

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

June 9, 2011

- I. CALL TO ORDER** - The meeting was called to order at 1:32 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Carolyn Richardson, Chair; Mike Cravens; Lynn Roche-Phillips; Marie Copeland (arrived at 1:45 PM); Mike Owens; William Wilson; Eunice Beatty; Carla Blanton and Patrick Brewer. Ed Holmes and Derek Paulsen were absent.

Planning Staff Present – Chris King, Bill Sallee, Barbara Rackers, Tom Martin, Chris Taylor, Cheryl Gallt, Denice Bullock and Jimmy Emmons. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire & Emergency Services; Rochelle Boland, Department of Law; Tim Queary, Urban Forester and Jim Gallimore, Division of Traffic Engineering.

- II. APPROVAL OF MINUTES** – The Chair noted that there were no prior Planning Commission meeting minutes to be considered at this time.

- III. POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. DP 2011-40: GESS PROPERTY, UNIT 1 (8/2/11)* - located at 480 Chilesburg Road.
(Council District 7)

(EA Partners)

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting that DP 2011-40: GESS PROPERTY, UNIT 1 be postponed to the June 23, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Beatty and carried 8-0 (Copeland, Holmes and Paulsen absent) to postpone DP 2011-40: GESS PROPERTY, UNIT 1 to the June 23, 2011, Planning Commission meeting.

- b. DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) (8/2/11)* - located on Blackford Parkway.
(Council District 12)

(EA Partners)

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting that DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) be postponed to the June 23, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Mr. Cravens and carried 8-0 (Copeland, Holmes and Paulsen absent) to postpone DP 2011-41: BLACKFORD PROPERTY, PHASE 1, UNIT 5 & PHASE 3 (AMD) to the June 23, 2011, Planning Commission meeting.

- c. DP 2011-52: BEAUMONT FARM, UNIT 1 SEC. 4, LOT 4 (7/31/11)* - located at 3064 Beaumont Centre Circle.
(Council District 10)

(Midwest Engineering)

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting that DP 2011-52: BEAUMONT FARM, UNIT 1 SEC. 4, LOT 4 be postponed to the July 14, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson and carried 8-0 (Copeland, Holmes and Paulsen absent) to postpone DP 2011-52: BEAUMONT FARM, UNIT 1 SEC. 4, LOT 4 to the July 14, 2011, Planning Commission meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 2, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens and Eunice Beatty. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Tom Martin, Cheryl Gallt, Chris Taylor, Denice Bullock, Jimmy Emmons and Traci Wade, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Rochelle Boland, Law Department. The Committee made recommendations on plans as noted.

* - Denotes date by which Commission must either approve or disapprove plan.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA - NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- Requests can be made to remove items from the Consent Agenda:**
- (1) due to prior postponements and withdrawals,
 - (2) from the Planning Commission,
 - (3) from the audience, and
 - (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of some of these items, and the other items listed had been recommended for a one-year extension by the staff. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2011-56F: KIRKLEVINGTON NORTH (AMD) (7/31/11)* - located at 858 Malabu Drive.
(Council District 4) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and arterial screening easements/buffers.
 4. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote source of variance approval.
 9. Resolve the timing and location of the sanitary sewer easement(s).
2. PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS) (8/31/11)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: This plan was approved by the Planning Commission at its November 13, 2008, February 12, 2009 and June 10, 2010, meetings, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Clarify label of cross-section for "G-G."
9. Denote private street maintenance responsibilities.
10. Verify exaction information to the approval of Division of Planning.
11. Clarify public versus private right-of-way dedication.
12. Addition of conditional zoning notes and development standards from approved development plan.
13. Resolve possible conflicts between development standards and plan notes.

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Note: A portion of this plat (Section 1) has been recorded. The applicant now requests a one-year extension for the remaining portion.

The Staff Recommends: one-year extension, subject to the previous conditions and one additional condition:

14. Urban Forester's approval of required street tree information.
3. PLAN 2008-139F: MEADOW OAKS, UNIT 1-B (ASHFORD OAKS) (8/31/11)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: This plan was approved by the Planning Commission at its November 13, 2008, February 12, 2009 and June 10, 2010, meetings, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Verify exaction information to the approval of the Division of Planning.
9. Addition of conditional zoning notes and development standards from approved development plan.
10. Denote the 25' conditional zoning setback along Greenbrier golf course (lots 17-26).
11. Resolve possible conflicts between development standards and plan notes.

Note: A portion of this plat (Sections 1 & 2) has been recorded. The applicant now requests a one-year extension for the remaining portion.

The Staff Recommends: one-year extension, subject to the previous conditions and one additional condition:

12. Urban Forester's approval of required street tree information.
4. PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS) (8/31/11)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: This plan was approved by the Planning Commission at its November 13, 2008, February 12, 2009 and June 10, 2010, meetings, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Verify exaction information to the approval of the Division of Planning.
10. Addition of conditional zoning restrictions and development standards from approved development plan.
11. Denote the sanitary sewer easement across the greenway.
12. Resolve the extent and timing of the greenway dedication.

Note: The applicant now requests a one-year extension for this plan.

The Staff Recommends: one-year extension, subject to the previous conditions and one additional condition:

13. Urban Forester's approval of required street tree information.
5. DP 2011-48: INGLESIDE APARTMENTS (RED MILE VILLAGE) (AMD) (7/31/11)* - located at 1035 Red Mile Road.
(Council District 11) **(Vision Engineering)**

Note: The purpose of this amendment is to reduce the open space by 1,042 square feet and to add 6 parking spaces.

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.

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4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Correct plan title.
 10. Denote record plat designation (D-191).
 11. Addition of dimension on walkways.
 12. Correct note #1 (Chapter vs. Article).
 13. Correct Planning Commission's certification.
 14. Resolve conversion of 39 compact spaces to full size spaces along south side.
 15. Resolve concentration of compact spaces proposed on southern property line.
 16. Withdrawal of unrecorded record plat (PLAN 2009-70F: INGLESIDE APARTMENTS) prior to plan certification.
6. DP 2011-50: SOUTH FARM MARKET PLACE (AMD #5) (7/31/11)* - located at 116 Marketplace Drive.
(Council District 9) **(Strand Associates)**

Note: The purpose of this amendment is to revise the use and parking for Lot 4.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Denote the timing of construction of the parking and vehicular use area landscaping associated with the proposed triangular building.
 9. Resolve the proposed access to the car wash.
 10. Resolve the proposed building and canopy height and note #8 conflict.
7. DP 2011-51: KIRKLEVINGTON NORTH (AMD) (7/31/11)* - located at 858 Malabu Drive.
(Vision Engineering)
- The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
 3. Urban County Traffic Engineer's approval of street cross-sections and access.
 4. Building Inspection's approval of landscaping and landscape buffers.
 5. Addressing Office's approval of street names and addresses.
 6. Urban Forester's approval of tree protection plan.
 7. Department of Environmental Quality's approval of environmentally sensitive areas.
 8. Division of Fire's approval of fire hydrant locations.
 9. Division of Waste Management's approval of refuse collection.
 10. Denote timing of Special Use Permit (for wall construction).
 11. Resolve the sanitary sewer line location prior to the certification of the development plan.
 12. Resolve the retaining wall conflict with the existing easements or denote encroachment permit.
 13. Denote resolution of stairway per the Zoning Development Plan.
 14. Denote Board of Adjustment approval of conditional use and variances prior to certification.
8. DP 2011-52: BEAUMONT FARM, UNIT 1 SEC. 4, LOT 4 (7/31/11)* - located at 3064 Beaumont Centre Circle.
(Council District 10) **(Midwest Engineering)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct conditional zoning restrictions.
10. Resolve internal circulation and access to remaining lots.

* - Denotes date by which Commission must either approve or disapprove plan.

9. DP 2011-56: LEDERER PROPERTY (AMD) (8/9/11)* - located at 312 North Limestone Street.
(Council District 1) **(Wheat and Ladenburger)**

Note: The purpose of this amendment is to add an access point, increase the building square footage, revise the parking and relocate the dumpster.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree protection plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection.
7. Document encroachment permit for existing and proposed improvements on Lake Alley, prior to certification of plan.
8. Denote new access to Third Street as "exit only."
9. Remove the word "proposed" from right-of-way on Lake Alley.
10. Denote Board of Architectural Review's approval prior to certification of plan.

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed for discussion purposes.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. Ms. Roche-Phillips asked if DP 2011-52: BEAUMONT FARM, UNIT 1 SEC. 4, LOT 4 had previously been postponed. Mr. Martin replied affirmatively. Ms. Roche-Phillips requested that DP 2011-56: LEDERER PROPERTY (AMD) be removed from the Consent Agenda for further discussion by the Commission.

Action - A motion was made by Mr. Owens, seconded by Ms. Roche-Phillips, and carried 8-0 (Copeland, Holmes and Paulsen absent) to approve the remaining eight items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. FINAL SUBDIVISION PLANS

Note: Ms. Copeland arrived at this time. The next two items were heard simultaneously.

- a. PLAN 2008-13F: DENTON FARM, INC., UNIT 3A, LOTS 31-34 (AMD.) (8/31/11)* - located at 280-288 Somersly Place.
(Council District 7) **(Strand Associates)**

Note: This plan was approved by the Planning Commission at its February 14, 2008 and February 12, 2009, meetings, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscape buffers and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Denote: This property shall be developed in accordance with the approved final development plan.
7. Certification of amended final development plan prior to certification.
8. Provided utility easements are released prior to certification.
9. Correct purpose of amendment note.
10. Correct exaction information.
11. Delete all lots not affected.

Note: The applicant now requests a reapproval of this plan.

* - Denotes date by which Commission must either approve or disapprove plan.

The Staff Recommends: **Reapproval**, subject to the previous conditions and one additional condition:

12. Urban Forester's approval of required street tree information.

- b. PLAN 2008-14F: DENTON FARM, INC., UNIT 3B, LOTS 27-30 (AMD.) (8/31/11)* - located at Somersly Cove and Somersly Place. (Council District 7) **(Strand Associates)**

Note: This plan was approved by the Planning Commission at its February 14, 2008 and February 14, 2009, meetings, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscape buffers and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Denote: This property shall be developed in accordance with the approved final development plan.
7. Correct purpose of amendment note.
8. Certification of amended final development plan prior to certification of plan.
9. Provided utility easements are released prior to certification.
10. Correct exaction information.
11. Delete all lots not affected.

Note: The applicant now requests a reapproval of this plan.

The Staff Recommends: **Reapproval**, subject to the previous conditions and one additional condition:

12. Urban Forester's approval of required street tree information.

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of the amended Final Record Plats for Denton Farm, Inc., Unit 3A, Lots 31-34 and Denton Farm, Inc., Unit 3B, Lots 27-30, located at Somersly Cove and Somersly Place. He noted that these two items could not be listed on the Consent Agenda since the original approval was more than 3 years ago.

Mr. Taylor oriented the Commission to the surrounding street system, and said that the subject property is located off of Richmond Road, across from Jacobson Park, near the Kentucky American Water Company reservoir. He said that the purpose of this amendment was to revise the lotting pattern for Unit 3A and Unit 3B. He noted that Unit 3A was a request to revise only the lot lines and Unit 3B was a request to revise the lot lines to create one additional lot.

In conclusion, Mr. Taylor said that the Subdivision Committee had reviewed this request at their June 2nd meeting, and recommended reapproval of these plats, subject to the previous conditions listed on today's agenda. He noted that one additional condition had been added:

12. Urban Forester's approval of required street tree information.

Planning Commission Questions – Ms. Roche-Phillips said that the Commission had recently reviewed another section of Denton Farm with the cul-de-sac, and asked where the cul-de-sac is located. Mr. Taylor said that the Commission had reviewed several plats in this area, but the cul-de-sac is located on Brandon Park.

Representation – No one was present on behalf of the applicant.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. A member of the audience noted that she could not see the plan. The Chair said that she was welcome to come to the front of the room to review the plan. The citizen did so, but made no comments.

Action - A motion was made by Mr. Cravens, seconded by Ms. Beatty, and carried 9-0 (Holmes and Paulsen absent) to reapprove PLAN 2008-14F: DENTON FARM, INC., UNIT 3B, LOTS 27-30 (AMD.), subject to the previous conditions and one additional condition as listed on today's agenda; and to reapprove PLAN 2008-13F: DENTON FARM, INC., UNIT 3A, LOTS 31-34 (AMD.), subject to the previous conditions and one additional condition as listed on today's agenda.

2. DEVELOPMENT PLANS

- a. DP 2011-53: PROFESSIONAL PARK (FORMERLY GENERAL MILLS/SHONEY'S PROPERTY) (AMD) (7/31/11)* - located at 2326 – 2334 Nicholasville Road. (Council District 4) **(Bluewater Civil)**

Note: The purpose of this amendment is to increase the building size and to revise the parking circulation.

* - Denotes date by which Commission must either approve or disapprove plan.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the lack of information being provided for this request.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Clarification of existing easements.
10. Correct purpose of amendment note to delete any business reference.
11. Correct street cross-sections for Nicholasville Road, Lowry Lane and the access easements.
12. Correct plan title to match agenda.
13. Addition of tree protection plan to include all required information per Article 26 of the Zoning Ordinance.
14. Addition of site statistics.
15. Correct note # 7.
16. Document permission to utilize access easement in the rear of the property prior to certification.
17. Discuss the encroachment of the wall and dumpster into the sanitary sewer and utility easement.
18. Discuss the rear orientation of the building to Nicholasville Road.
19. Discuss the lack of parking proposed in front of the 3,000 square-foot building.

Staff Presentation – Mr. Sallee directed the Commission's attention to a rendering of the amended Final Development Plan for the Professional Park (Formerly General Mills/Shoney's Property), which is located at 2326 – 2334 Nicholasville Road. He said that since the Subdivision Committee meeting last week, the staff had received a revised development plan submission; and with the review of that submission, the staff can now offer the following revised recommendations. He noted that the staff had previously distributed the revised recommendations to the Commission, as well as the proposed building elevations for the Nicholasville Road façade of the proposed building.

REVISED STAFF RECOMMENDATION

June 9, 2011

The Staff Recommends: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Clarification of existing easements Remove copyright information from mylar prior to plan certification.
- ~~10. Correct purpose of amendment note to delete any business reference~~
- ~~11. Correct street cross-sections for Nicholasville Road regarding sidewalk information Lowry Lane and provide "stamped heavy-duty asphalt" detail for the parking lot and access easements.~~
- ~~12. Correct plan title to match agenda~~
- ~~13. Addition of tree protection plan to include calculations for existing tree canopy and new canopy by tree plantings as all required information per Article 26 of the Zoning Ordinance.~~
- ~~14. Addition of site statistics.~~
- ~~15. Correct note # 7.~~
- ~~16. Document permission to utilize and revise the access easement in the rear of the property and any other off-site improvements prior to certification.~~
- ~~17. Discuss Denote: Approval for the encroachment of the wall and the "scissor-lift" and dumpster into the sanitary sewer and utility easement is required prior to the issuance of a building permit.~~
- ~~18. Discuss the rear orientation of the building to Nicholasville Road.~~
- ~~19. Discuss the lack of parking proposed in front of the 3,000 square-foot building.~~
14. Correct P-1/B-1 zoning boundary information.

Mr. Sallee directed the Commission's attention to a rendered USA Zoning Map for this area, and oriented them to the surrounding street system. He said that the subject property is situated east of Nicholasville Road, south of Lowry Lane and north of Malabu Drive. He then oriented the Commission to the surrounding zoning, and said that the subject property is split into two zones, consisting of a Neighborhood Business (B-1) zone along frontage of Nicholasville Road and a Professional Office (P-1) zone at the rear of the property. He noted that the P-1 zone extends into the adjacent property to the south and east, which is known as the Professional Heights Office Park. He said that at one point, the

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Professional Heights Office Park was developed for offices; but over the years several rezonings took place, which changed the P-1 zone to a B-1 zone.

Mr. Sallee said that there are two access easements off Nicholasville Road and one each off Lowry Lane and Malabu Drive. These access easements provide for the necessary internal circulations on the subject site, as well as to the Professional Heights Office Park. Directing the Commission's attention to an aerial photograph for this site, he pointed out the surrounding areas and the access points into the site. He said that the proposed building was formerly a Joe's Crab Shack Restaurant, and there was off-street parking provided on each side of the existing building. He noted that the rear section of the site will still be a parking lot, which is permitted as a use in the P-1 zone.

Mr. Sallee illustrated on the overhead the proposed building elevations for the Nicholasville Road façade, and directed the Commission's attention to the current revised development plan. He said that the applicant is proposing to replace the existing restaurant with a 12,000 square-foot area for retail space, as well as an additional 3,000 square-foot area for other uses. He said that there are 92 parking spaces being proposed, but only 52 parking spaces are required for these uses. He said that the main entrance into this site will be through the rear portion of the parking lot, noting that there are no significant changes being made to the two primary access points on Nicholasville Road or East Lowry Lane. He then said that there will be proposed modifications to the access easement leading to Lowry Lane, and the applicant will need the approval from the property owner for those modifications. There is no immediate change proposed to the adjacent properties in the R-4 zone to the north of this site.

Directing the Commission's attention to the revised conditions that were previously distributed, Mr. Sallee noted that conditions #1 through 8 are standard sign-offs from the different divisions of the local government. Referencing conditions #3 and 5, Mr. Sallee said that on the revised submission, the applicant had added information concerning the tree protection areas along the Nicholasville Road. He noted that there are several mature trees situated between the subject property and the adjacent properties, and the applicant will need to provide additional zone-to-zone landscape screening between the P-1 and R-4 zones. He said that there is a large tree on the south side of the site that is not being shown in a tree protection area. Prior to removing that tree, the applicant will need to seek the approval of the Urban Forester, as the staff is unaware of the health of this tree.

Mr. Sallee said that the applicant has addressed the original condition #9; however, due to copyright information being shown on the development plan, the applicant will need to remove this information prior to the plan's certification (new condition #9). He noted that the applicant has also corrected the original condition #10 to staff's satisfaction, and it can also be removed.

Mr. Sallee said that the staff does not believe there is an existing sidewalk on one side of the cross-section of Nicholasville Road, and the applicant will need to correct this sidewalk information on the plan (new condition #10). He then said that the applicant has also corrected the plan title; therefore, the original condition #12 can be removed from the list of recommendations, as well.

Mr. Sallee then said that new condition #11 (original condition #13) refers to the tree canopy calculations being separated into existing and proposed numbers. The applicant will need to include these calculations on the development plan prior to certification. He noted that the applicant had addressed conditions #14 and 15 with their revised submission, and these conditions can now be removed. Mr. Sallee said that there are two off-site locations where the applicant is proposing improvements to the sidewalk and to the rear access. He said that the applicant will need to document permission to make these site improvements possible prior to certification.

Mr. Sallee then said that the staff is requesting that the applicant document the proper encroachment permits prior to any building permits being issued (new condition #13). He then said that even though this development is not regulated by the Big-Box Design Guidelines, the staff had concerns with the orientation of the building to Nicholasville Road. With the revised submission, the applicant has shown their proposed building wall height variations, and has demonstrated that the façade will appear to have windows (not true light), as well as a wall sign that will face Nicholasville Road. With the proposed design of the building, along with the treed areas shown, the staff believes the appearance of this site will be more appealing from Nicholasville Road. He said that with those items added, condition #18 can be removed.

Mr. Sallee said that the staff was also originally concerned with the lack of proposed parking in the front orientation for the main building. He then said that in reviewing the development plan, the main entrances of the two buildings are located at the corner of the building, near the proposed "service area." The staff understands that there are no proposed parking spaces in this area, which will provide a safer transition for pedestrian traffic to enter the parking lot. He said that given the updated information, the staff is satisfied with regard to removing the original condition #19.

Mr. Sallee said that there is an area across from the proposed building entrances that will have heavy duty asphalt placed down for Waste Management to service the dumpsters on site. He then said that this area will need to be appropriately marked and approved by the Division of Traffic Engineering. This area will be designed primarily for larger service trucks and not the average automobile or SUV. He said that the staff is in agreement with this unusual design, provided the information is placed on the development plan (condition #10).

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Mr. Sallee said that there is a slight error with the zoning information shown on the development plan, and the applicant will need to correct the zoning boundary for the P-1 and B-1 zones. In conclusion, he said that the staff is recommending approval of the revised submission.

Planning Commission Questions – Mr. Owens asked for clarification on the area directly across from the building entrances, and asked if this will be a place for the dumpster. Mr. Sallee replied that there will be a double dumpster placed near the heavy duty stamped asphalt area. He then said that the staff has been in communication with the Division of Waste Management and the applicant concerning this area, and the issue was that the geometry would not work for tandem dumpsters without an encroachment into the existing easements. The current idea would be to have two separate dumpsters, which would allow them to be located out of the easement, while meeting the applicant's needs.

Ms. Copeland said that it appeared that the rear façade (Nicholasville Road) was offset to soften the building and asked if there will be shrubs planted. Mr. Sallee said that there are existing shrubs on the site, and the staff is unsure if those shrubs will be maintained. He then said that the existing trees are within a proposed tree preservation area.

Ms. Copeland asked if there is a regulation that controls signage on the walls of the building. Mr. Sallee said that each wall of the building is allowed one sign.

Ms. Copeland said that since the parking is located at the rear of the property, the service road into this site will be maintained by the applicant. She asked if anyone else will be using the service road. Mr. Sallee said that there are a number of businesses that will rely on the service road. He then said that should the vacant P-1 lot to the east be developed for office use, they would also use this service road. As for the commercial buildings to the south, the staff is unsure if they utilize that road. He said that the staff would expect a maintenance agreement between these properties to maintain that service road. Ms. Copeland asked if the service road is jointly owned by the surrounding properties. Mr. Sallee said that the staff is unsure who owns the service road, but the applicant does have the right to access the road. He then said that there is a note that requires private access maintenance for normal government services and for utilities. Ms. Copeland asked if the note will be listed on the development plan, and clarified that the LFUCG will not be responsible for the upkeep of the service road, to which Mr. Sallee replied that the note will appear on the plat and not on the development plan.

Ms. Roche-Phillips asked how many parking spaces are being proposed. Mr. Sallee said that there are 92 proposed parking spaces. He then said that this development is only required to provide 51 parking spaces. Ms. Roche-Phillips said that the excessive parking concerns her with the stormwater issues. She asked if there is a maximum parking standard. Mr. Sallee said that there are maximum parking limitations for the defined Infill and Redevelopment Area. He then said that this development is outside of the Infill Area and therefore does not have a maximum limitation. As for the storm water issue, there is an underground detention area located under some of the proposed parking area, as well as a proposed detention area that will be located near a retaining wall adjacent to the northern businesses at the corner of East Lowry Lane and Nicholasville Road. Ms. Roche-Phillips restated that she is concerned with the excessive parking on this development, and asked if this will be shared parking. Mr. Sallee said that the parking to the rear would be the least used, noting that the applicant would be able to address that question.

Mr. Cravens asked if the applicant would be closing an entrance. Mr. Sallee said that there is access point from the service road to the front parking lot between the existing building and Nicholasville Road to be closed, and the rear entrance would be relocated to the rear of the parking lot. Mr. Cravens then asked if there is a separate entrance on Nicholasville Road to this site. Mr. Sallee replied in the negative.

Representation – Brody Glenn, engineer, was present on behalf of the applicant. He apologized to the Commission for not being present during the Subdivision Committee meeting last week. He then thanked the Division of Planning staff for their help and for going "above and beyond the call of duty," as they work in many different parts of the country.

Mr. Glenn said that this development is for a new retail store; and in working with their client in the past, this store will be so popular that it will utilize all the parking spaces designed for the site. He then said that they are treating this development like a hometown project and they are excited with this proposal. He said that they are in agreement with the recommendations and requested approval.

Planning Commission Questions – Ms. Copeland asked what type of retail business will be proposed at this location, and asked why there is a copyright issue. Mr. Sallee said that that is a standard staff recommended condition when there is copyright information listed on the plan. He then said that the staff would not certify a plan if copyright information were to remain on the mylar. Mr. Glenn said that their client is new to the community but they are recognized state-wide.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Mr. Brewer, and carried 9-0 (Holmes and Paulsen absent) to approve DP 2011-53: PROFESSIONAL PARK (FORMERLY GENERAL MILLS/SHONEY'S PROPERTY) (AMD), subject to the revised conditions as listed by the staff.

- b. DP 2011-49: MANCHESTER DEVELOPMENT (AMD) (7/31/11)* - located at 855 and 895 Manchester Street.
(Council District 2) **(Thoroughbred Engineering)**

Note: The purpose of this amendment is to add properties and adjust the right-of-way along Oliver Lewis Way.

The Subdivision Committee Recommended: Postponement. There were questions regarding the parking being in compliance with the Zoning Ordinance for the approved uses.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Addition of Willard Street and Oliver Lewis Way cross-sections.
11. Relabel Pine Street cross-section to Tarr Trace.
12. Denote the Board of Adjustment approval of conditional uses and variances.
13. Addition of all site statistics from the currently approved plan.
14. Correct note #6 to reference Chapter 16 of the Code of Ordinances.
15. Delete extra fire/water control note.
16. Denote dimensions and height of buildings at 948 Manchester Street & 219 Willard Street.
17. Remove dumpster & enclosure details.
18. Denote phasing and 2nd & 3rd floor parking details from the approved plan.

Staff Presentation – Mr. Emmons directed the Commission's attention to a rendering of the amended Final Development Plan for Manchester Development, which is an Adaptive Reuse Project also known as The Distillery District. He oriented the Commission to the surrounding street system, and said that the subject property is located at 855 and 895 Manchester Street, located west of the intersection of Manchester Street and Oliver Lewis Way.

Mr. Emmons said that the purpose of this amendment is to add properties and adjust the right-of-way along Oliver Lewis Way. He said that the subject property is zoned B-4 and was not part of the original approval for the Adaptive Reuse Project. The applicant is now requesting that this section be made part of the Adaptive Reuse Project.

Mr. Emmons said that the plan depicts a large parking area adjacent to Manchester Street and Willard Street. He noted that there are 3 access points into the subject property; one is off Willard Street and has a direct access into an 8,000 sq. ft. building, and the other two are off Manchester Street. He said that the applicant is proposing to repave the parking area to provide 19 parking spaces. He noted that the Mecca Dance Studio has shown interest in this site, and this type of use is allowed in the Adaptive Reuse Project.

Mr. Emmons said that at the June 2nd Subdivision Committee meeting, the applicant had submitted a revised development plan to the staff. However, the staff needed time to review that revised submission, and the Subdivision Committee had recommended postponement (as noted on the agenda). He said that the reason for postponement was due to a lack of information that was needed to determine if the proposed parking was in compliance with the Zoning Ordinance requirements for the approved uses.

Mr. Emmons noted that since the Subdivision Committee meeting, the staff had compared the original development plan with the amended development plan, and noticed that one critical note that tied the available uses to the parking was not carried forward. He then said that the applicant will need to add that note on the amended development plan (condition #11). He noted that with the newest amended development plan, the staff had concluded that many of the deficiencies and issues previously identified have been addressed. He said that the staff is now recommending conditional approval of this plan, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm, sanitary and sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.

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7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
- ~~10. Addition of Willard Street and Oliver Lewis Way cross sections.~~
- ~~11. Relabel Pine Street cross-section to Tarr Trace.~~
- ~~12. Denote the Board of Adjustment approval of conditional uses and variances.~~
- ~~13. Addition of all site statistics from the currently approved plan.~~
10. 14. Correct note #6 to reference Chapter 16 of the Code of Ordinances.
- ~~15. Delete extra fire/water control note.~~
- ~~16. Denote dimensions and height of buildings at 948 Manchester Street & 219 Willard Street.~~
- ~~17. Remove dumpster & enclosure details.~~
11. 18. Denote: phasing and 2nd & 3rd floor parking details from the approved plan Allowable uses will be governed by available parking.

Representation – No one was present on behalf of the applicant.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Owens, and carried 9-0 (Holmes and Paulsen absent) to approve DP 2011-49: MANCHESTER DEVELOPMENT (AMD), subject to the revised conditions as provided by the staff.

- c. DP 2011-56: LEDERER PROPERTY (AMD) (8/9/11)* - located at 312 North Limestone Street.
(Council District 1) **(Wheat and Ladenburger)**

Note: The purpose of this amendment is to add an access point, increase the building square footage, revise the parking and relocate the dumpster.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree protection plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection.
7. Document encroachment permit for existing and proposed improvements on Lake Alley, prior to certification of plan.
8. Denote new access to Third Street as "exit only."
9. Remove the word "proposed" from right-of-way on Lake Alley.
10. Denote Board of Architectural Review's approval prior to certification of plan.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the amended Final Development Plan for Lederer Property, which is located at 312 North Limestone Street. He oriented the Commission to the surrounding street system, and said that the subject property is situated between the corner of North Limestone Street and East Third Street, and the corner of Lake Alley and East Third Street. He then said that the original Carrick House (aka White Hall Funeral Chapel) is located on this site, and the new banquet facility is to the rear of the property. He then noted that Fayette County Public Schools owns the property directly to the north of the subject property.

Mr. Martin said that the purpose of this amendment is to add an access point, increase the building square footage, revise the parking and relocate the dumpster. He noted that the access point currently being shown on the development plan has been existing for many years. In reviewing the previous development plan, that access point was not being shown on the plan; and with this amendment, the applicant is requesting to retain that entrance, which has been depicted on the submission. He then said that for the access point to be retained, the on-site parking has been revised, resulting in several parking spaces being lost. The applicant does have an agreement with Fayette County Public Schools to utilize their parking lot for any off-site parking that is needed. This agreement allows the development to be in compliance with the parking requirements.

Mr. Martin then said that on the original proposal, the service road was being shown to end near the edge of the building; however, the applicant is now proposing to extend the service road to Lake Alley. He then said that since the service road had changed, the dumpster location has also changed. Previously the dumpster pad was located just off the service road behind the Carrick House, but now the applicant is proposing to relocate the dumpster pad off site in the Lake Alley right-of-way.

Mr. Martin said that the square footage of the building has also changed; and in reviewing the amended development plan, the bump-outs along the service road will actually be small additions to the building. He said that on the previous

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development plan, there was a small open courtyard being shown inside the building envelope; however, the applicant is now requesting to enclose that courtyard, removing those trees.

Mr. Martin then said that this request was submitted to the staff as a "late file;" and due to the timing of the filing, the applicant's request was not officially reviewed by the Technical Committee. He said that the applicant has been working with the various divisions to obtain the proper sign-offs, particularly the Division of Waste Management. He then said that the Division of Waste Management had concerns with the dumpster location being in the Lake Alley right-of-way. The applicant has begun the process of applying for an encroachment permit and they must receive approval prior to placing the dumpster within the Lake Alley right-of-way.

Mr. Martin stated that the Subdivision Committee had reviewed the applicant's request, and recommended approval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree protection plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection.
7. Document encroachment permit for existing and proposed improvements on Lake Alley, prior to certification of plan.
8. Denote new access to Third Street as "exit only."
9. Remove the word "proposed" from right-of-way on Lake Alley.
10. Denote Board of Architectural Review's approval prior to certification of plan.

In conclusion, Mr. Martin briefly explained the list of conditions, and said that conditions #1 through #6 are standard sign-offs, while the remaining conditions are "clean-up" items. He restated that the applicant will need to document the encroachment permit for the existing and proposed improvements on Lake Alley, prior to certification of the plan (condition #7). He then said that the staff had spoken with Traffic Engineering, and it was agreed that the new access to East Third Street will need to be designated as an "exit only." Due to the layout of the parking area, allowing traffic to exit the development would be the best scenario to reduce the potential conflict that may occur in this area. Mr. Martin noted that a portion of Lake Alley has been dedicated, and the applicant will need to remove the word "proposed" from the right-of-way of Lake Alley. He said that since this development is within an H-1 Overlay zone, the applicant will need to seek the approval of the Board of Architectural Review prior to certification of the plan. He noted that the applicant had filed an application with the Board of Architectural Review, and is waiting for the staff recommendation. He then noted that, due to unforeseen circumstances, the applicant had requested a postponement of their BOAR request causing a slight delay.

Planning Commission Questions – Mr. Owens said that during the Subdivision Committee meeting, it was mentioned that there is some type of construction taking place on the northern portion of the development, and asked for clarification. Mr. Martin said that the changes made to this development were a result of discussion during the construction phase. He then said that both the inside and outside of the building were being renovated; a garage door was added and the patio area is slightly larger. He noted that the outside construction has been completed.

Mr. Owens then said that prior to today's meeting, he had visited the site; and to him it appeared that the outside construction was finished. He asked if what the applicant is proposing with this request is the same construction that has been completed. Mr. Martin replied affirmatively. Mr. Owens then asked if there is an explanation as to why the construction was ongoing when the approval was pending. Mr. Martin said that the scope of the work was minor, and the changes that took place were a result of decisions being made in the field. He then said that the Certificate of Occupancy has not and will not be issued until the proper approval has been obtained.

Mr. Owens asked how the access point on East Third Street will be restricted if approved as an exit only. Mr. Martin said that the access point would need to be clearly delineated, and approved by the Division of Traffic Engineering.

Mr. Owens then asked if the dumpster will be enclosed. Mr. Martin said that should the encroachment permit be approved, the dumpster will need to be enclosed, as stated in the standards.

Ms. Beatty said that the way this request was presented at Subdivision Committee, it was as if the construction had not begun. Mr. Martin said that this is an amended development plan to address the changes that are being made. Ms. Beatty said that the fact that it is completed was not part of the Subdivision Committee discussion. Mr. Martin said that it was noted that portions of this development plan were completed and there were ongoing changes being made. Ms. Beatty asked what implications there would be if the Planning Commission approved this request prior to the request being heard by the Board of Architectural Review. Mr. Martin said that the Board of Architectural Review will need to approve any changes; otherwise, the applicant will have to remove them. He then said that the plan will not be certified until the Board of Architectural Review has approved the applicant's request. If the Board of Architectural Review does not approve the applicant's request, the applicant will need go before the Planning Commission once again.

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Ms. Copeland said that she has a concern with the proposed exit onto East Third Street being removed and then added back to the plan. She then said that the headlights from the exiting vehicles will shine over into the recently rehabilitated houses across East Third Street. She said that allowing the vehicles to exit on to East Third Street will create an adverse impact for the residential area. Ms. Copeland said that this development would be more neighbor friendly if the access point was an "entrance only" and the access points on North Limestone Street were "exit only." Mr. Martin noted that the grade change on the development may assist in preventing those issues with the headlights. Ms. Copeland said that she does not believe a person would be happy if they invested \$200,000.00 in their property and this access point becomes an "exit only." Mr. Jim Gallimore, Division of Traffic Engineering, said that he was under the impression that this would be an "entrance only" access point. He then said that he was not aware of any conversation that had changed the access point from an entrance to an exit. He noted that the Division of Traffic Engineering's initial reaction was to keep the access point as an "entrance only" due to the sight triangle distance not being clear, which could pose potential problems on East Third Street. Mr. Martin said that apparently there was miscommunication among the staff at the Technical Committee meeting, and it was the staff's understanding that the Division of Traffic Engineering did not have a problem with the access point becoming an "exit only." Ms. Copeland said that having the access point as an exit only would be a real impact to the people who have invested in this neighborhood. She commented that perhaps the Board of Architectural Review would pick up on this. Mr. Martin said that the Planning Commission could change condition #8 to denote the access point as an "entrance only."

Ms. Roche-Phillips said that she recalled several issues with this property during her tenure on the Planning Commission. She said that there were issues concerning: 1) the stone fence along East Third Street would inhibit sight distance with an "exit only," and it was decided that the access point should be an "entrance only;" 2) this property had temporary structures for many years, before temporary structures were defined and permitted; and 3) preserving the significant tree along East Third Street.

Ms. Roche-Phillips then said that there was a vacant parcel to the rear that once had a structure; but it has since been removed, and now the lot has been turned into and dedicated as a parking lot. Ms. Roche-Phillips said that her concern was placing the dumpster within the right-of-way of Lake Alley. She then said that regardless of legalities, allowing this will be a bad precedent, and asked if the dumpster could be placed on the parking lot. Mr. Martin said that the staff has not been directly involved in the discussion concerning the dumpster, but they were told that there have been discussions concerning alternative areas. He then said that the encroachment permit for Lake Alley is only a request; it is certainly not a "given" by any means.

Ms. Roche-Phillips said that in the previous meetings, there was a concern with the sight distance for the access point along East Third Street due to the stone wall. With the stone wall being historic to the area, and the heritage of the stone wall, it was determined that it should not be torn down in order to create a better sight triangle. She said that she would be supportive of an "entrance only" along East Third Street, but not an "exit only."

Mr. Cravens asked if the two properties adjacent to Lake Alley are one and the same. Mr. Martin replied affirmatively, noting that Ms. Lederer still retains the property at 318 Lake Alley. Mr. Cravens then asked who owns Lake Alley. Mr. Martin said that Lake Alley is public right-of-way, noting that the city maintains it.

Mr. Cravens asked if the changes made to the building structure are within the building envelope. Mr. Martin replied affirmatively. Mr. Cravens then asked if the applicant is allowed to modify the building as long as it's within the building envelope. Mr. Martin replied affirmatively, and said that if the square footage increases on a development plan, it would be subject to the Planning Commission's approval.

Representation – Roger Ladenburger, landscape architect, was present on behalf of the applicant. He said that they have been working with the staff and the members of the Technical Committee to bring this request to the Commission. He said that they are in agreement with the recommendations and requested approval.

Planning Commission Questions – Mr. Brewer asked if the applicant would be agreeable with the access point being an "entrance only." Mr. Ladenburger replied affirmatively, and said that they had originally shown the access point being two-way, which is how it had been used in the past. He then said that when they had submitted this request, it was being recommended as an "exit only;" however, with today's concerns, the applicant would be agreeable with providing an "entrance only."

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Questions – Mr. Owens asked if the completed work had increased the square footage. Mr. Martin said that there is a slight increase (140 sq. ft.) on the development plan with this amendment. Mr. Owens said that this amended development plan should have been reviewed by the Planning Commission prior to construction taking place. Mr. Martin said that the increased square footage is mainly from the enclosure of the courtyard. Mr. Owens asked if the applicant should have come before the Planning Commission before beginning construction. Mr. Martin replied affirmatively. Mr. Owens said that he concurs with Ms. Beatty's comment, noting that the Subdivision Committee should have been informed that this work was already done.

Ms. Copeland asked if, when the square footage had increased, the original dumpster location was eradicated. Mr. Martin said that the overall work had modified the dumpster location. Ms. Copeland said that the applicant was approved for the original dumpster location, and is now seeking approval once again. Mr. Martin said that due to the HVAC system being installed, the applicant was concerned with the odor from the dumpster, which is the reason for it being moved. Ms. Copeland said that she is in favor of keeping your own trash on your own lot, not placing it out in the public rights-of-way or alleys.

Ms. Roche-Phillips asked if the Planning Commission could approve all but the dumpster location. She then asked if that would require the applicant to resubmit a new development plan showing the revised dumpster location. Mr. Martin said that, as an aspect of the conditional approval, the dumpster location would be approved through the Division of Waste Management. He then said that if the applicant does not obtain the encroachment permit, the dumpster will need to be relocated. He noted that the Planning Commission could suggest an alternative location, but this is normally handled through the Division of Waste Management to ensure that all appropriate requirements are done. Ms. Roche-Phillips said that, for the record, she believes placing the dumpster in a public right-of-way would create a bad precedent. Mr. King said that, in speaking with the Law Department, as a body, the Planning Commission has the option to say the dumpster location is not on the table and the applicant would need to seek other options. However, the Commission can not bifurcate the approval of this request and separate out what is approved and what is not approved.

Ms. Beatty asked if the platform for the dumpster location had already been set even though the applicant does not have the encroachment permit. Mr. Martin said that the applicant has not received approval for the encroachment permit; they are proposing this location for the dumpster area. Ms. Beatty said that this is not what she understood at the Subdivision Committee meeting, and asked why construction would be done in an area that has not been approved to be utilized in that way. Mr. Martin said that the conditions listed on the agenda were presented at the Subdivision Committee meeting. Ms. Beatty agreed, but said that the dumpster issue was not fully explained to the Committee. She asked why the applicant would set up the dumpster in the alley, when there is a chance that the encroachment permit will not be approved. Mr. Martin said that he could not speak on the applicant's behalf; he could only speak to what is being requested on the amended development plan. Mr. Ladenburger said that due to the condition of Lake Alley, the applicant had made some improvements. These improvements include widening the intersection of Lake Alley and East Third Street and providing additional paving at the rear of the alley, which is where the dumpster is being proposed. He noted that the only dumpster improvement made to the alley is two bollards; and should the encroachment permit not be granted, then those bollards will be removed.

Ms. Blanton said that the applicant is not seeking approval, but rather they are seeking forgiveness. She then said that she is in favor of changing condition #8 to read: "Denote new access to Third Street as ~~exit~~ entrance only," as well as removing the dumpster issue from consideration. She said that she hopes the applicant will wait to receive the Certificate of Occupancy, considering they have not waited for any other approval.

Ms. Boland said that the Planning Commission could add an 11th condition to read: "No dumpster can be located within the public right-of-way."

Mr. Brewer said that this item should have been red-flagged by the staff, and asked that, in the future, the Planning Commission be made aware of these issues in advance in the future.

Ms. Roche-Phillips said that she is in favor of postponing this item until the dumpster location has been addressed, as the applicant has a history of proceeding with work, then requesting approval.

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Owens and carried 8-1 (Cravens opposed; Holmes and Paulsen absent) to postpone DP 2011-56: LEDERER PROPERTY (AMD) to the June 23, 2011, Planning Commission meeting.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 9-0 (Holmes and Paulsen absent) to approve the release and call of bonds as detailed in the memorandum dated June 9, 2011, from Ron St. Clair, Division of Engineering.

- V. COMMISSION ITEMS** - The Chair will announce that any item a Commission member would like to present will be heard at this time.

Ms. Roche-Phillips recognized and welcomed Professor Matt Wilson to the Planning Commission meeting. She noted that he had recently relocated to Lexington, and he is currently new to the University of Kentucky's Department of Geography.

- VI. STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present will be heard at this time.

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- A. **UPCOMING WORK SESSION** – Mr. King reminded the Commission members of the upcoming work session scheduled for June 16, 2011. He noted that the Complete Streets Manual would be presented to the Commission, and just prior to the work session a draft would be submitted for review.

- VII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

VIII. **NEXT MEETING DATES** -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 16, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 23, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 29, 2011
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 7, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 7, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 14, 2011

- IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 2:55 PM.

Carolyn Richardson, Chair

Mike Owens, Secretary

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